

Special Permit and Variance Process

STEP ONE

Submit a **Building Permit/Certificate of Occupancy application, stamped/surveyed site plan, floor plans, and building elevations to the Inspectional Services Department (ISD)** located in City Hall, Room 201, (617) 466-4130.

STEP TWO

ISD will review your application and issue you either a permit or a **letter** that states the reason(s) that your project is not in compliance with the Chelsea zoning ordinance. **This denial letter indicates that your proposal needs zoning relief before moving forward** and describes what type of relief is needed (e.g. Special Permit and/or Major Site Plan Review, Variance, etc.). See the other side of this pamphlet for a description of the differences between a Special Permit and a Variance.

STEP THREE

If you choose to seek the required zoning relief, **obtain a Special Permit and/or Major Site Plan Review Petition or Variance Petition or both** from the Inspectional Services Department (Room 201) or the City website (www.ci.chelsea.ma.us/Public_Documents/ChelseaMA_Planning/Petitions). The petition form and *Chelsea Development Permitting Guide* detail the submission requirements for your application. Call the Planning Staff with any questions you have about completing the application at (617) 466-4180.

STEP FOUR

Once your application is **complete with required copies of the application, narratives, pictures, and plans, submit the package to the City Clerk's office** in City Hall (Room 209). If your application is complete, the Clerk will stamp your Petition, and coordinate with you so that the documents are distributed to City departments and boards as required.

Your case will be scheduled to be heard by the appropriate Board(s). **Agenda deadlines are usually four weeks prior to scheduled meetings.** The Zoning Board of Appeals (ZBA) generally meets the second Tuesday of every month and the Planning Board generally meets the fourth Tuesday of every month. Meetings are usually held at 6:00 p.m. in Room 102 on the first floor of City Hall.

STEP FIVE

You, the Petitioner, and abutters will be notified by mail of the public hearing to be held by the ZBA. For Special Permit Petitions, you will also attend a separate public meeting before the Planning Board which will make a recommendation to the ZBA to approve, approve with conditions, or deny your proposal. You may present your case to these Boards, or allow an attorney, architect, or other designated person to present for you.



STEP SIX

After the ZBA closes the public hearing on your Special Permit or Variance Petition, the ZBA will render its decision (denied or approved with/without conditions). ZBA requires a unanimous three-member vote to approve a Petition. **The ZBA will file the written decision with the City Clerk.**

STEP SEVEN

Appeals must be filed with the City Clerk within twenty days of the decision filing. After the appeal period, you can obtain a certified copy of the decision at the City Clerk's office. **You must then file this certified decision at the Suffolk County Registry of Deeds to finalize the zoning approval.** The ZBA and Inspector of Buildings will require you to present evidence that this decision was recorded.

STEP EIGHT

Your application is now ready to proceed through the building permit or Certificate of Occupancy (C.O.) process. **It is your responsibility to ensure that all conditions attached to the Special Permit and or Variance have been met.** Once the zoning process is completed, you may continue the building permit process with the Inspectional Services Department and other City Departments, as applicable.

NOTE: Although the Planning Staff is available to answer questions, the permit process is **applicant driven**, and it is the applicant's responsibility to submit all required information, to attend all meetings and hearings, and to complete each step of the development process.

WHAT IS A SPECIAL PERMIT?

Some land uses in a zoning district are permitted as a property owner's right. Other uses, and certain proposed changes to a site or building, warrant greater review because of their potential impact on the city or the neighborhood. These uses require Special Permits. The ZBA reviews and makes a decision on applications for Special Permits after receiving a recommendation from the Planning Board and reports from city boards/ departments.

In its review, the ZBA considers such factors as: compliance and consistency with the standards and purposes set forth in the zoning ordinance as well as compatibility with surrounding uses, public input, and neighborhood-specific issues. The ZBA may grant a Special Permit with conditions that are attached to its decision to mitigate the expected impact of the proposal upon the surrounding neighborhood. The ZBA may also deny a Special Permit petition.

WHAT IS MAJOR SITE PLAN REVIEW?

Certain petitions may require Major Site Plan Review by the Planning Board of the design of the site's physical elements. Large commercial, industrial, multi-family (4+ units), and institutional developments are likely to have sizable impacts, so they require review of such features as site layout & building siting, landscaping, circulation & access, and surface runoff. Projects that require this type of review are those which are over 8,000 sq. ft in gross floor area and generate more than 25 parking spaces.

WHAT IS A VARIANCE?

A Variance can grant relief from provisions set forth in the zoning ordinance such as dimensional requirements or signage requirements.

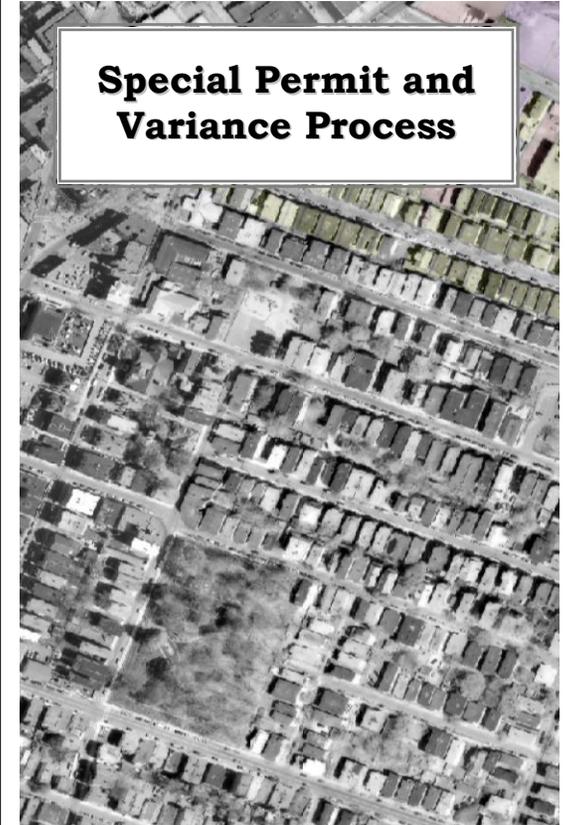
Use Variances are not allowed in Chelsea.

Variances may be authorized only where the ZBA finds that **all four** of the following conditions apply:

1. The Variance is sought because of *soil conditions, shape, or topography of the land or structure* and especially affecting such land or structures but not affecting generally the zoning district in which it is located;
2. A literal enforcement of the ordinance would involve a *substantial hardship, financial or otherwise*, to the Petitioner;
3. Desirable relief may be granted *without substantial detriment to the public good*; and
4. Desirable relief may be granted *without nullifying or substantially derogating from the intent or purpose* of the zoning ordinance.



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City of Chelsea



DEPARTMENT OF
PLANNING & DEVELOPMENT
City Hall, Room 101, 500 Broadway
Chelsea, Massachusetts 02150
Telephone (617) 466-4180
Fax (617) 466-4195
<http://www.ci.chelsea.ma.us>